

REMARKS

Reconsideration of this Application, and the rejections of claims 1-17, 19-20, 22 and 26-41 is respectfully requested. Applicant has attempted to address every ground for rejection in the Office Action dated April 14, 2010 and believes the Application is now in condition for allowance. Applicant appreciates that the Examiner has found Applicant's argument regarding claims 12 and 41 (summarized as 5(c) on page 4 of the Office Action) to be persuasive. As discussed in a July 2, 2010 telephone conference with Examiner, the Office Action inadvertently cited the wrong reference regarding the rejection of claims 12 and 41. As such, it is not possible for Applicant to provide substantive analysis or response to this rejection. Applicant is grateful for the Examiner's courtesy in agreeing to issue another non-final rejection with the correct citation if it is determined that the current claims are found to not be allowable. No agreements were reached during the July 2 phone conference regarding allowance of any claims.

Claims 39 and 40 have been rejected under 35 USC § 112, first paragraph for failing to comply with the written description requirement. The Office Action alleges that there is no support for either claim in the original specification. Applicant respectfully disagrees.

Regarding claim 39, the Office Action states that there is no support for "creating a pass key for entry to said meeting and sending said pass key to said plurality of attendees in a communication separate from said meeting invitation." Applicant

submits that support for this claim can be found in the Specification on page 9, paragraph 1 which states “in some invention embodiments the pass key may be sent separately from the invitation in a second communication to lower the risk of invitation interception resulting in un-invited attendees.”

Regarding claim 40, the Office Action states the specification does not support the claim language “determining that said fourth of said plurality of meeting attendees does not have sufficient bandwidth available to attend said meeting, and denying admission to said fourth of said plurality of meeting attendees.” The Office Action goes on to state that the Specification only limits admission if there is not sufficient bandwidth, not because the meeting are members of a fourth group of attendees. Applicant would like to clarify that the fourth attendee was denied admission because they did not have sufficient bandwidth. The fact that they happen to be the fourth attendee is irrelevant regarding why they were denied entry. As such, Applicant respectfully traverses the rejections of claims 39 and 40.

Claims 1-5, 11-17, 19-20, 26, 27 29-35, 38 and 40 are rejected under 35 U.S.C. 103(a) as unpatentable over Semaan (US 5,680,392) in view of Haims et al (US Pub 2003/1015820 A1) and Gorsuch et al (US 6,526,281). Claims 6-10, 36, 37 and 41 are rejected under 35 U.S.C. 103(a) as unpatentable over Semaan in view of Haims and Gorsuch, and further in view of Etorre et al (US 6,594,265). However, it is submitted that these references in combination, fail to teach, suggest, or disclose subject matter recited in independent claims 1, 31 and 37.

A. **INDEPENDENT CLAIMS 1 AND 31 ARE ALLOWABLE BECAUSE SEMAAN TEACHES AWAY FROM ALLOCATING A NETWORK INTERFACE LOCATION AFTER RECEIVING SAID REQUEST TO JOIN SAID MEETING FROM SAID FIRST OF SAID PLURALITY OF ATTENDEES.**

Independent claims 1 and 31 recites step of:

- “allocating network resources for said meeting *after* receiving said request to join said meeting from said first of said plurality of attendees” (Claim 1) (emphasis added)
- “receive a first request to enter the meeting from a first of said plurality of meeting attendees after said first attendee has connected to said entry portal, allocating at least one IP address and at least one port linked to a network interface location for the meeting *after* receiving said first request” (Claim 31) (emphasis added)

Applicant continues to submit that the rejection of claims 1 and 31 as obvious over Semaan in view of Haims and Gorsuch is improper. As extensively discussed previously, Semaan teaches *reserving* a network interface location in advance of a meeting. This is very different, and in fact teaches away from the present claimed invention which states “allocating network resources for said meeting *after* receiving said request to join said meeting from said first of said plurality of attendees.” In other words, in the present claims invention no resources are allocated or reserved until a request to join a meeting is received.

In response to Applicant’s previous argument, the Office Action states that “Semaan does not specify how far in advance the reservation for the meeting must be made.” This further illustrates Applicant’s point – a reservation must be made *in advance* of the meeting. Semaan does not teach a system where a video conference takes place without a reservation request. It is submitted that a “reservation” is inherently in advance of a meeting, and the Office Action appears to admit this. Regardless of “how

far in advance” of a meeting the reservation is made, if it is made “in advance” of the meeting it is different (and teaches away from) claim 1.

As such, it is improper to combine Semaan with Gorsuch which teaches a technique for transmission of wireless signals across CDMA radio links where bandwidth is allocated dynamically within a session to a specific CDMA subscriber unit based upon data rate determinations. Abstract. Again, Semaan is drawn to *reserving* a network interface location in *advance of a meeting*. Gorsuch teaches a completely opposite approach where bandwidth is dynamically allocated based on need once a session is already started.

The two references have opposite teachings on the point, and the two therefore teach away from one another. Because the subscriber and RF carrier in Gorsuch are already communicating with one another when the step of bandwidth allocation occurs, an interface location linking them has clearly *already been established*. Therefore, the combination of Gorsuch and Semaan cannot properly be relied on to establish a prima facie case of obviousness since Semaan teaches away from Gorsuch with respect to this recited element and since the combination would cause one or the other of the references to fail its intended purpose (e.g., Semaan could not achieve a “reservation system” if it allocates an IP address and a port after receiving the request to join).

Further, neither reference teaches or suggests the recited elements of allocating a network resource (claim 1) or at least one IP address and at least one port linked to a network interface location for the meeting (claim 31) only AFTER receiving a

request to join the meeting. The obviousness rejections are therefore improper and must be withdrawn.

B. CLAIMS 11, 31 AND 40 ARE ALLOWABLE: SEMAAN FAILS TO DISCLOSE DETERMINING THE TOTAL REQUIRED BANDWIDTH FOR THE MEETING AND LIMITING SAID MEETING ATTENDEES TO ONLY THOSE HAVING SUFFICIENT BANDWIDTH TO PARTICIPATE, AND THE CURRENT REJECTION IS INCONSISTENT WITH PRIOR ADMISSIONS.

Independent claims 31 and dependent claims 11 and 40 further recite the steps related to determining the total required bandwidth for the meeting and limiting said meeting attendees to only those having sufficient bandwidth to participate in said meeting. In response to Applicant's previous argument, Section 5(b) of the Office Action states that Semaan teaches a "conference quality parameter...specifies the video and audio (bandwidth) desired, as well as the bandwidth desired for other data" (Semaan col. 6, lines 10-13). This current position, however, is contrary to an admission previously made in an earlier Office Action.

As previously discussed extensively in the Appeal Brief (filed April, 2009) and conceded in the August 15, 2009 Office Action on page 4, item 4(c), Semaan does not teach determining available bandwidth. The above sections of Semaan relate to reserving network resources for a conference and a quality parameter that includes *desired* bandwidth (as opposed to determining total *required* bandwidth for the meeting as recited). Semaan teaches a different system where video quality may be constrained by the standard being used, as well as local resources of the conferees

network capacity. Col. 9, lines 12-15. Rather than limiting the meeting attendees to only those having sufficient bandwidth, Semaan will allow any attendee to participate, even if the result is decreased video quality. Semaan therefore does not teach limiting said meeting attendees to only those having sufficient bandwidth to participate, and in fact teaches away from this concept. As such, Semaan fails to teach the recited step of determining the total required bandwidth for the meeting.

The Office Action then goes on to state that the “task of the server part are to establish and maintain multiple simultaneous MCS connections with users...monitor the status of all MCUs connected to the controller...accept or refuse the request of the users...based on any desired acceptance algorithm.” Col. 10, lines 43-55. This section of Semaan involves determining whether MCU resources are available when a reservation request is made. (the reservation controller...will make a determination as to whether the necessary *MCU resources* will be available for the requested conference for the time requested - Semaan Col. 6, lines 20-44). The multipoint control unit (MCU) 26, which typically includes a codec/switch 24 and a controller 28, provides conference control (e.g., it determines the signal to be sent to each participant), audio mixing (bridging) and multicasting, audio level detection for conference control, video switching, video mixing (e.g., a quad split, or "continuous presence device" which combines multiple images for display together) when available and/or desirable, and video multicasting. Col. 1, lines 45-55. Determining whether MCU resources are available to make a reservation is not the same of determining *required bandwidth* as recited in the claimed invention. As such, claims 11, 31 and 40 are allowable.

It is also noteworthy that the current rejection is contrary to an earlier position taken by the Examiner. In the August 15, 2009 Office Action on page 4, item 4(c), the Examiner admits that Semaan does not teach determining available bandwidth. This is further evidence of the impropriety of the current rejection.

C. SEMAAN FAILS TO DISCLOSE DIRECTING USERS WITH INSUFFICIENT BANDWIDTH TO LINK TO A SUBSET OF THE PLURALITY OF DATA STREAMS AS RECITED BY CLAIMS 12 AND 41.

Claims 12 and 41 further recite the step of “directing any attendees that do not have sufficient bandwidth available to link to a subset of said plurality of data streams being communicated during the meeting.” Applicant appreciates that the Examiner has found Applicant’s argument regarding claims 12 and 41 (summarized as 5(c) on page 4 of the Office Action) to be persuasive. As discussed in a July 2, 2010 telephone conference with Examiner, the Office Action inadvertently cited the wrong reference regarding the rejection of claims 12 and 41. As such, Applicant appreciates Examiner’s gracious agreement to issue another non-final rejection with the proper citation if it is determined that the current claims are found to not be allowable.

D. SEMAAN FAILS TO DISCLOSE THE RECITED STEPS OF CLAIMS 7 AND 37

Claims 7 and 37 continue to stand rejected as anticipated over Semaan. The Office Action summarizes Applicant’s previous argument regarding these claims as “Semaan fails to disclose the recited steps of claims 7 and 37 related to determining total bandwidth required.” This characterization is incorrect. While Applicant does continue

to argue that Semaan does not teach steps related to determining total bandwidth (see Section B *supra*), argument 5(d) is regarding subconferencing. The Office Action continues to cite Semaan col. 8, line 65 – col. 9, line 28; col. 10, line 64 – col. 11, line 29; Figure 5 that only discloses “subconferencing” between two attendees present in a larger conference: “if subconferencing is enabled, two or more participants to a conference will be able to initiate a ‘private’ conference while they are still members of the initial conference.” Col. 9, lines 6-9. Claim 7 was previously amended to clarify that the first and second meetings cannot be sub-conferences of one another – all of the attendees at either of the first and second meetings are different from one another. This condition necessarily cannot be met by the “subconferencing” disclosed by Semaan.

Amended claim 37 also recites “said first and second meetings are different from one another” and was rejected for the same reason recited for claim 7. Applicant submits that claims 7 and 37 are allowable in their present form.

E. HAIMS FAILS TO DISCLOSE OR SUGGEST AN EXECUTABLE MEETING INVITATION AS RECITED BY CLAIM 14

Claim 14 requires a step of communicating a meeting invitation to at least one attendee over the network that is an *executable file that upon execution takes all steps necessary to connect to the virtual meeting*. In response to Applicant’s previous argument, the Office Action alleges that Haims discloses communicating an executable file invitation to attendees at paragraph 0094 to reject claim 14. Pages 5-6 of the Office Action go on to state that “[i]t is noted that the link provides the location of the

executable file i.e. the web page; thus once the link is activated the execution is automatic.” Haims teaches a different approach that includes sending meeting invitations that include a link or URL by email. *A URL or web page is not an executable file*, and even accepting for the sake of argument only that it might be considered an executable file, a URL / webpage cannot satisfy the claimed recitations of: “...*that upon execution takes all steps necessary to connect to the virtual meeting*.” Haims does not disclose or suggest the limitation of claim 14, and the rejection of this claim must be withdrawn.

F. ALL DEPENDANT CLAIMS ARE ALSO ALLOWABLE

In addition to the reasons stated above, Applicant also traverses the rejection of all dependant claims since these claims are dependant from allowable independent claims.

G. CONCLUSION

For the reasons explained above, it is submitted that the claims in their current form are allowable. The claims are allowable for at least the following reasons:

- Independent Claims 1 and 31 are Allowable Because Semaan Teaches away from Allocating a Network Interface Location including at least an IP address and a port after receiving said request to join said meeting from said first of said plurality of attendees, and instead teaches a “reservation” system that reserves resources in advance of the meeting.
- Any combination of Semaan with Gorsuch (alleged to teach allocation of resources after receiving a request to join) is improper since the references teach

away from one another and since any such combination would cause the references to fail their intended purpose.

- Semaan fails to disclose determining the total required bandwidth for the meeting and limiting said meeting attendees to only those having sufficient bandwidth to participate as recited by claims 11, 31 and 40
- Semaan fails to disclose directing users with insufficient bandwidth to link to a subset of the plurality of data streams as recited by claims 12 and 41.
- Semaan fails to disclose the recited steps of claims 7 and 37 related to determining total bandwidth required.
- Haims fails to disclose or suggest an executable meeting invitation as recited by claim 14
- All dependant claims are also allowable since these claims depend from allowing independent claims

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely.

The Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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